

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

KRISTEN BROWN and R.B., a Minor)	
by and through his Next Friend)	
Kristen Brown and A.B., a Minor, by and)	
through his Next Friend Kristen Brown,)	Case No. 4:12-cv-00649-AGF
)	
Plaintiffs,)	
)	JURY TRIAL REQUESTED
vs.)	
)	
KENNETH L. DAVIS, JR.,)	
)	
Defendant.)	

DEFENDANT'S ANSWER TO PLAINTIFFS' PETITION

Comes now Defendant, by and through his attorneys, and for his Answer to Plaintiffs' Petition states as follows:

1. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 1 and therefore denies same.
2. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 2 and therefore denies same.
3. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 3 and therefore denies same.
4. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 4 and therefore denies same.
5. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 5 and therefore denies same.

6. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 6 and therefore denies same.

7. Admit.

8. Denied.

9. Admit.

10. Admit.

11. Denied.

12. Paragraph 12 is a statement of law and not a statement of fact to which Defendant can make no answer. To the extent facts are alleged in paragraph 12, this Defendant expressly denies same.

13. Denied.

14. Admit.

15. Admit.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. By way of further answer and defense, venue for this case is improper in St. Charles County as the injury giving rise to this suit occurred in Pike County, Missouri.

23. By way of further answer and defense, any recovery had by Plaintiffs should be reduced in proportion to the comparative fault and negligence of their decedent Kyle Brown in causing or contributing to cause his injuries.

24. By way of further answer and defense and in the alternative to the paragraph above, Defendant further states that Plaintiffs' recovery should be reduced in proportion to the comparative fault and negligence of the decedent Kyle Brown in causing or contributing to cause his injuries and in the event he is found to be 50% or more at fault for the accident Plaintiff should be barred from recovery by virtue of Illinois Statutes on Comparative Fault.

25. By way of further answer and defense, Plaintiffs' claim for aggravating circumstances should be dismissed for failing to state a cause of action upon which relief can be granted.

WHEREFORE, having fully answered Plaintiffs' Petition, Defendant prays to be dismissed hence, for his costs and for any further such relief as the Court deems just and proper.

/s/ Daniel E. Wilke
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I hereby certify that on April 12, 2012 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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/s/ Daniel E. Wilke

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JAW:lb